

**SOUTH DAKOTA DEPARTMENT OF EDUCATION AND CULTURAL AFFAIRS
OFFICE OF SPECIAL EDUCATION**

**Webster School District
Continuous Improvement Monitoring Process Report 2002-2003**

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Date of Report: February 3, 2003

This report contains the results of the steering committee's self-assessment and the validation of the self-assessment by the Office of Special Education. The report addresses six principles – General Supervision, Free Appropriate Public Education, Appropriate Evaluation, Procedural Safeguards, Individualized Education Program and Least Restrictive Environment. Each principle is rated based on the following scale:

Promising Practice	The district/agency exceeds this requirement through the implementation of innovative, high-quality programming and instructional practices.
Meets Requirements	The district/agency consistently meets this requirement.
Needs Improvement	The district/agency has met this requirement but has identified areas of weakness that left unaddressed may result in non-compliance.
Out of Compliance	The district/agency consistently does not meet this requirement.
Not Applicable	In a small number of cases, the standard may not be applicable for your district/agency. If an item is not applicable, the steering committee should briefly explain why the item is NA. Example – no private schools within the district boundaries.

Principle 1 – General Supervision
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General supervision means the school district's administrative responsibilities to ensure federal and state regulations are implemented and a free appropriate public education is provided for each eligible child with a disability. The specific areas addressed in principle one are child find, referral procedures, children voluntarily enrolled by parents in private schools, students placed by the school district, improving results through performance goals and indicators (assessment, drop out, graduation), professional development, suspension and expulsion rates.

Steering Committee Self-Assessment Summary

Data sources used:

- Preschool/Kindergarten screening
- Newspaper PSA
- TAT (pre-referral)
- Dakota Assessment of Content Standards (DACS) results
- School-age hearing screenings

- Vision screenings
- Webster School District's comprehensive plan
- CIMP parent, staff, and administration surveys
- Review of student file information
- Exiting information (Table H)
- Suspension and expulsion information (Table C)
- District/Agency instructional staff information (Table B)

Meets Requirements

The steering committee concluded that based on the district's comprehensive plan, the district has identified ongoing child find activities for ages birth – 21 and the district reviews and analyzes discipline data and revises policies and procedures if significant discrepancies are occurring between the long term suspension and expulsion rates for children with and without disabilities. The steering committee also concluded that a pre-referral system is in place to identify students without unnecessary delay and the district does provide adequately trained and supervised personnel to work with students with disabilities as per the district's comprehensive plan and the teachers' surveys. The district's comprehensive plan and the exiting data indicate that the school district does use data based decision making procedures to work toward meeting the states performance goals and indicators. The comprehensive plan, data table, and surveys indicate the Webster School District does implement procedures to determine personnel development needs and take the appropriate action to meet those needs. The district's comprehensive plan, data tables, and surveys indicate that the Webster School District does implement procedures to determine personnel development needs and takes the appropriate action to meet those needs.

Not Applicable

The steering committee concluded that the area of a child voluntarily enrolled by parents in a private school was not applicable to their program, as there are no private schools within the boundaries of the school district. The steering committee also concluded that students placed by the school district in private schools were also not applicable, as there are not private schools in the district.

Validation Results

Meets Requirements

The monitoring team agrees with the steering committee that data supports the Webster School District meets the requirements of child find, referral procedures, improving results through performance goals and indicators, suspension and expulsion rates, and professional development. The monitoring team determined that the Webster School District does have one transition-age student placed in a private school in Iowa.

Out of Compliance

ARSD 24:05:16:16. Personnel standards. To ensure that all personnel necessary to carry out the purposes of Part B and Part C of the Individuals with Disabilities Education Act are appropriately and adequately prepared and trained, the division shall determine that all personnel providing special education or related services, including early intervention and early childhood personnel, perform these functions under state-approved or state-recognized certification or licensure or other comparable requirements that apply to the area in which the person is providing instruction or other service.

The monitoring team concluded that the Webster School District is out of compliance with the hiring of appropriately and adequately trained personnel. The school district has a student receiving early childhood special education services from a teacher that is not properly endorsed. The service provider has the birth-preschool education endorsement and the K-12 special education endorsement, but does not have the early childhood special education endorsement which is necessary to provide services to a student in need of special education.

Not Applicable

The monitoring team agrees with the steering committee that the district does not have a private school district within the district's boundaries and that parents have not voluntarily enrolled students in such a school.

Principle 2 – Free Appropriate Public Education

All eligible children with disabilities are entitled to a free appropriate public education in the least restrictive environment. The specific areas addressed in principle two are the provision of FAPE to children residing in group homes, foster homes, or institutions, making FAPE available when a child reaches his/her 3rd birthday and providing FAPE to eligible children with disabilities who have been suspended or expelled from school for more than 10 cumulative days.

Steering Committee Self-Assessment Summary

Data sources used:

- Webster School District's comprehensive plan
- CIMP surveys

Meets Requirements

The steering committee concluded that the comprehensive plan indicates that the Webster School District provides FAPE to all eligible children with disabilities and ensures that children with disabilities who have been suspended or expelled for more than 10 school days are provided with FAPE.

Validation Results**Meets Requirements**

The monitoring team agrees with the steering committee that data supports the Webster School District meets the requirements of FAPE and suspension/expulsion.

Principle 3 – Appropriate Evaluation

A comprehensive evaluation is conducted by a team of knowledgeable staff, which also includes parental input. A valid and reliable evaluation will result in effective individualized education programs for eligible students. The specific areas addressed in principle three are written notice and consent for evaluation, evaluation procedures and instruments, eligibility determination, reevaluation and continuing eligibility.

Steering Committee Self-Assessment Summary

Data sources used:

- Disabling conditions data (Table G)
- Placement by disabling condition data (Table J)
- CIMP student file review information
- CIMP administration, staff, parent, and student surveys
- Webster School District's comprehensive plan
- Parent Rights brochure

Meets Requirements

The steering committee concluded that through the student files reviewed and the district's comprehensive plan the Webster School District ensures comprehensive evaluations are conducted by a team of knowledgeable staff, which includes parent input. The comprehensive plan, surveys, and student files reviewed indicate the school district completes valid and reliable evaluations, which result in effective IEPs for eligible students. The district's comprehensive plan and student file reviews show that the district provides appropriate written notice and informed consent before conducting evaluations. The district's comprehensive plan and 100% of student files reviewed ensured that the evaluation and re-evaluation procedures and instruments meet the minimum requirements. The student files reviewed, the comprehensive plan, and the parents' rights pamphlet indicate that the IEP team considers the evaluation or IEE and then determines qualification under certain disability criteria. The comprehensive plan and student files reviewed indicated that knowledgeable staff evaluates students and effective individualized educational programs are created after written parental consent is received.

Needs Improvement

The steering committee concluded that the student files reviewed indicate written documentation of eligibility is given to the parents only 50% of the time. Parent surveys indicate that 12 of 13 parents received written documentation. Two of 5 student files reviewed contained appropriate documentation that reevaluations were conducted in accordance with all procedural requirements. The student files reviewed indicate a need for improvement in the area of documentation of the reevaluation procedural requirements and sharing a copy of the eligibility information with the parents.

Validation Results

Meets Requirements

The monitoring team agrees with the steering committee that evaluations are completed within the designated timelines.

Needs Improvement

The monitoring team concluded that parental input into the evaluation process is in need of improvement by the Webster School District. In interview, the high school special education teacher indicated that she was not getting parental input into the evaluation process. The district has adopted a new form which lends itself to providing parental input into the evaluation process. The newly adopted form will also assist the school district in the involvement of the general education staff into the evaluation process. The monitoring team concluded through interview with staff that the high school level general education staff was not involved in the evaluation process. The monitoring team identified two students that did not have consent for evaluations in the students' files. The high school special education teacher indicated that she does not give a copy of the student's evaluation reports to the parents therefore this area is in need of improvement.

Out of Compliance:

ARSD 24:05:24.01:11. Mental retardation defined. Mental retardation is significantly below-average intellectual functioning existing concurrently with deficits in adaptive behavior and is generally manifested before age eighteen. The required evaluative components for identifying a student with mental retardation are as follows:

- (1) General intellectual functioning two standard deviations or more below the mean as determined by the full scale score on an individual cognitive evaluation, plus or minus standard error of measurement, as determined in accordance with § [24:05:25:04](#); and
- (2) Exhibits deficits in adaptive behavior and academic or preacademic skills as determined by an individual evaluation in accordance with § [24:05:25:04](#).

ARSD 24:05:24.01:19. Criteria for specific learning disability. A student may be identified as having a specific learning disability under the following circumstances:

(1) The student does not achieve commensurate with the student's age and ability levels in one or more of the areas listed in subdivision (2) of this section when provided with learning experiences appropriate for the student's age and ability levels; and

(2) The team finds that a student has a severe discrepancy of 1.5 standard deviations between achievement and intellectual ability in one or more of the following areas:

- (a) Oral expression;
- (b) Listening comprehension;
- (c) Written expression;
- (d) Basic reading skill;
- (e) Reading comprehension;
- (f) Mathematical calculation; or
- (g) Mathematical reasoning.

The team must consider regression to the mean in determining this discrepancy.

When using a measure of intellectual functioning which has verbal and performance subscales, the total score must be used unless there is a difference of more than one standard deviation between the two scores. If there is a difference of more than one standard deviation between the two subscales, the higher scale must be used.

ARSD 24:05:25:04. Evaluation procedures. School districts shall ensure, at a minimum, that evaluation procedures include the following:

(5) A variety of assessment tools and strategies are used to gather relevant functional and development information about the child, including information provided by the parents, that may assist in determining:

- (a) Whether the child is a child with a disability; and
- (b) The content of the child's IEP, including information related to enabling the child:
 - (i) To be involved in and progress in the general curriculum; or
 - (ii) For a preschool child, to participate in appropriate activities

(7) The child is assessed in all areas related to the suspected disability, including, as applicable, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;

ARSD 24:05:25:07. Additional procedures for evaluating specific learning disabilities. In order for a school district to certify a child as learning disabled for purposes of the federal child count, requirements in §§ 24:05:24.01:19 and 24:05:25:08 to 24:05:25:13, inclusive, must be met and documented in a child's record.

ARSD 24:05:25:12. Written report for specific learning disabilities. The team shall prepare a written report of the results of the evaluation for specific learning disabilities. The report must include a statement of the following:

- (1) Whether the child has a specific learning disability;
- (2) The basis for making the determination;
- (3) The relevant behavior noted during the observation of the child;
- (4) The relationship of that behavior to the child's academic functioning;
- (5) The educationally relevant medical findings, if any;
- (6) Whether there is a severe discrepancy between achievement and ability which is not correctable without special education and related services; and
- (7) The determination of the team concerning the effects of environmental, cultural, or economic disadvantage.

ARSD 24:05:25:13. Team members to certify report in writing. Each team member shall certify in writing whether the report reflects the team member's conclusion. If it does not reflect the team member's conclusion, the team member must submit the conclusion in a separate statement.

The monitoring team concluded that the Webster School District is out of compliance in the area of eligibility determination. The monitoring team identified the three following students that will require immediate action by the school district. Student A was determined eligible for special education services as a learning disabled student. The student file did not contain a written report for specific learning disabilities (multi-disciplinary team report) and the appropriate team membership needed to determine the learning disability. The scoring of the Diagnostic Achievement Test for Adolescents (DATA) – 2 was not completed thus the IEP team was unable to determine if a severe discrepancy between the student's ability and achievement scores existed to meet the criteria for specific learning disabilities. The IEP team must reconvene to determine eligibility of this student as soon as possible.

In review of Student B's file, the monitoring team concluded that the IEP team determined the student's disabling condition as 510 – Mental Retardation without all appropriate evaluations completed as an adaptive behavior evaluation could not be located. Deficits must be noted in an adaptive behavior evaluation for the student to have the disabling condition of mental retardation. The IEP team must reconvene and determine if more evaluations need to be administered and then determine the eligibility of this student under the appropriate category.

The monitoring team concluded that Student C does not meet the eligibility criteria for learning disabled using the manual regression table with the IQ and achievement scores. The psychologist's report did not indicated if a manual or a computerized regression table was used to determine the student's eligibility for special education services. The report stated "Overall, the test scores indicate that (student) does qualify for services under provision of South Dakota SPED guidelines for serving children with LD, MR, or SED." In discussions with the school district staff, no definite conclusions could be drawn from the psychologist's statement. School district staff must contact the psychologist and determine what type of regression table was used to determine this student's eligibility for special education services. If the psychologist verifies that the regression table was used incorrectly, the IEP team must reconvene to determine the eligibility of this student for special education services.

ARSD 24:05:25:04. Evaluation procedures. School districts shall ensure, at a minimum, that evaluation procedures include the following:

(5) A variety of assessment tools and strategies are used to gather relevant functional and development information about the child, including information provided by the parents, that may assist in determining:

- (a) Whether the child is a child with a disability; and
- (b) The content of the child's IEP, including information related to enabling the child:
 - (i) To be involved in and progress in the general curriculum; or
 - (ii) For a preschool child, to participate in appropriate activities

(7) The child is assessed in all areas related to the suspected disability, including, as applicable, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;

The monitoring team concluded that the Webster School District is out of compliance in the area of comprehensive evaluations. In the documentation reviewed and interviews with district special education staff, the monitoring team concluded that personnel are not conducting functional evaluations during the 25 day evaluation period. In file reviews of 5 students age 14 and older, no documentation was located for secondary transition evaluations. In interview with the high school special education teacher, it was confirmed that no transition evaluations were being completed for students age 14 years or older. Three student files reviewed had issues with behavior assessments. Behavior was addressed in classroom observation and on the present levels of performance page of the IEP, but a behavior assessment was not initiated nor was behavior addressed in the goals of the IEP. In interview with the special education teacher, she did not understand how to use the "behavior impedes learning" section on the IEP. In two student files, behavior evaluation information was located, but there was no follow-up meeting for either student after the school district received the evaluation information.

Principle 4 – Procedural Safeguards

Parents of children with disabilities have certain rights available. The school makes parents aware of these rights and makes sure they are understood. The specific areas addressed in principle four are adult student/transfer of rights, content of rights, consent, written notice, confidentiality and access to records, independent educational evaluation (IEE), complaint procedures, and due process hearings.

Steering Committee Self-Assessment Summary

Data sources used:

- Complaints (Table L)
- Hearings (Table M)
- Parent rights pamphlet
- Webster School District comprehensive plan
- CIMP student file reviews
- CIMP surveys

Meets Requirements

The steering committee concluded that 9 of 10 student files reviewed documented that parents were given a copy of their parental rights under IDEA. The district's comprehensive plan contains steps to appoint a surrogate parent to protect the rights of a child with no identifiable parent. The comprehensive plan of the district and the student file reviews indicate that the parents are fully informed in their native language of all information relevant to the activity for which consent is being sought. The comprehensive plan of the district and student file reviews indicate that the parents of a special education student have the opportunity to inspect and review all educational records concerning their child and the provision of FAPE. The parent rights pamphlet given to the parents clearly outlines the steps to follow if a complaint needs to be made. The comprehensive plan and the parent rights pamphlet clearly state the policies and procedures for responding to a request for due process to ensure compliance.

Validation Results

Meets Requirements

The monitoring team agrees with the steering committee that all areas mentioned do meet the specified requirements.

Needs Improvement

The monitoring team concluded that parental consent is an area that needs improvement as the monitoring team identified two students that did not have consent for evaluations in the students' files.

Out of Compliance

ARSD 24:05:30:16.01. Transfer of parental rights. Consistent with state law, when a child with a disability reaches the age of majority that applies to all children, except for an eligible child who has been determined to be incompetent, the following shall occur:

- (1) The school district shall provide any notice required by this article to both the individual and the parents;
- (2) All other rights accorded to parents under this article transfer to the child; and
- (3) All rights accorded to parents under this article transfer to children who are incarcerated in an adult or juvenile, state, or local correctional institution.

If a state transfers rights under this section, the school district shall notify the individual and the parents of the transfer of rights. If, consistent with state law, an eligible child is determined not to have the ability to provide informed consent with respect to the educational program of the child, the school district shall appoint the parent or, if the parent is not available, another appropriate individual to represent the educational interests of the child throughout the child's eligibility under this article.

The monitoring team concluded that the school district is not informing the student of the transfer of rights upon their 17th birthday. Under South Dakota law, the age of majority is 18 years of age, so one year prior to the student reaching the age of majority the IEP must include a statement that the student has been informed of the rights, if any, that transfer to him/her upon reaching the age of majority. In file reviews, three student files were located where the students were not informed of the age of majority rights one year prior to turning the age of 18. The students were all notified of their age of majority rights, but at 8 months, 6 months and 17 days past their 17th birthdays, respectively. In interview, the high school special education teacher confirmed that the students are not always informed of this right at least one year prior to turning 18 years of age.

Principle 5 – Individualized Education Program

The Individualized Education Program (IEP) is a written document for a child with a disability that is developed, reviewed and revised by the IEP team, which includes the parent. The specific areas addressed in principle five are IEP team, IEP content, transition components for secondary IEPs, annual reviews, transition from early intervention program, and IEP related issues.

Steering Committee Self-Assessment Summary

Data sources used:

- CIMP student file reviews
- Personnel training
- Personnel development
- Webster School District's comprehensive plan
- CIMP surveys

Meets Requirements

The steering committee concluded that the student files reviewed and surveys indicate that the district ensures the IEP team has appropriate membership and meets all identified responsibilities. The comprehensive plan and 9 of 10 student files reviewed indicates that the school district provides written notice for all IEP meetings and includes all required content. The student files reviewed indicate that transition plans are coordinated and student centered and prepare the student for post school activities. According to the file reviews, surveys and district comprehensive plan, the district has policies and procedures in place to ensure an appropriate IEP is developed and in effect for each eligible student.

Based on the student file reviews, the district comprehensive plan and surveys of staff, administrators, and parents the IEP teams contain appropriate membership and meet all of their identified responsibilities. Prior written notice is provided for all IEP meetings. Transition services are coordinated and reflect student strengths. Policies and procedures are in place to ensure an appropriate IEP is developed and placed in effect.

Needs Improvement

The steering committee concluded that the student file reviews indicated that areas such as assistive technology, transportation and the related services section didn't contain documentation that these areas were considered.

Based on the student file reviews – areas that were not documented as considered are assistive technology, transportation, and related services.

Validation Results

Meets Requirements

The monitoring team concluded that the Webster School District meets requirements in the areas of team membership at IEP meetings, inviting and having the participation of the transition age student at the IEP, keeping within the designated timelines of holding the meeting and reviewing of the IEP, parental input into the IEP, including the student's involvement in the general curriculum and how the student's disability affects his/her involvement in the general curriculum, and documentation of the related services location, amount and frequency.

Needs Improvement

The monitoring team was not able to validate the areas of assistive technology and transportation were areas in need of improvement. The monitoring team concluded that the Webster School District needs improvement in the area of annual goals and short-term objectives. The annual goal must be measurable and reasonable as to what the student can accomplish within one year. Each annual goal must have a minimum of two short-term objectives and either the annual goal or the short-term objectives must have

the condition, performance and criteria. The goals and objectives need to be linked from the evaluation and the present levels of performance. In file reviews, the monitoring team located 4 files that did not have the linkage from the evaluation to the present levels of performance also the files did not contain all of the needed condition, performance and criteria.

The monitoring team concluded that the Webster School District needs improvement in the areas of the documentation of supplementary aides and services. In file reviews, the monitoring team located 3 files that called for specific modifications for the state and district-wide assessments, but no correlation was identified between those modifications and the modifications that the student was receiving in the classroom. It was noted in one student file that the IEP team had determined modifications in the classroom to be on an “as needed” basis. Another student’s IEP stated that oral testing was needed for the state and district-wide assessments, but not needed on a daily or weekly basis.

Out of Compliance

ARSD 24:05:27:13.02. Transition services. Transition services are a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to postschool activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based on the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation.

Transition services for students with disabilities may be special education, if provided as specially designed instruction, or related services, if required to assist a student with a disability to benefit from special education.

The monitoring team concluded that the Webster School District is out of compliance in the area of secondary transition. In 8 student file reviews, the transition course of study related to life planning outcomes were not completed for each of these students. The core courses were listed that are requirements of the school district for graduation, but the electives were not completed. On the transition plan page of the IEP, all 8 student files reviewed did not have the service recommendations, title of personnel/agency responsible, the date initiated, or the date completed. There was no correlation between the evaluation information, the present levels of performance, the transition service needs, the transition plan, or the goals for each of the 8 students’ IEPs. These students’ IEPs did not contain a coordinated set of activities which would lead to the life planning outcomes of employment and living. In interview with the high school special education teacher and administration, these findings were confirmed.

ARSD 24:05:27:01.03. Content of individualized education program. Each student's individualized education program shall include:

- (1) A statement of the student's present levels of educational performance, including:
 - (a) How the student's disability affects the student's involvement and progress in the general curriculum (i.e., the same curriculum as for nondisabled students); or
 - (b) For preschool student, as appropriate, how the disability affects the student's participation in appropriate activities;
- (2) A statement of measurable annual goals, including benchmarks or short-term objectives, related to:
 - (a) Meeting the student's needs that result from the student's disability to enable the student to be involved in and progress in the general curriculum; and

(b) Meeting each of the student's other educational needs that result from the student's disability;

The monitoring team concluded that the Webster School District is out of compliance in the area of appropriate IEP content for the present levels of performance. The present levels of performance is considered the foundation of the IEP because annual goals and short-term objectives or benchmarks are based on the information contained in this section. Writing clear and specific descriptions of present levels of performance is the key to planning the long-term goals and short-term objectives in the IEP. The intent of the law is to be able to describe to the parent, in language that they can understand, where their child is functioning such that a year from now the parent can determine if progress has been made. Specifically, the student's deficit areas need to be explained. In student file reviews, the monitoring team located 18 files that did not contain functional information for the students, either from the evaluation process or from the yearly progress documentation. An example of the weaknesses noted in the present levels of performance is "(the student) is weak in reading skills, spelling, comprehension, and written expression." In 13 student files reviewed, the monitoring team found that there was no correlation between the evaluation information, the present levels of performance, the goals, and the short-term objectives. In one student's file reviewed, the student's present levels of performance focused on the strengths of the student's language skills and not on the weakness of articulation skills as the goals were written for the area of articulation.

Principle 6 – Least Restrictive Environment

After the IEP is developed or reviewed, the IEP team must decide where the IEP services are to be provided. Consideration begins in the general education classroom for school age students. The specific areas addressed in principle six are placement decisions, consent for initial placement, least restrictive environment procedures, preschool children, and LRE related issues.

Steering Committee Self-Assessment Summary

Data sources used:

- CIMP student file reviews
- CIMP surveys
- Enrollment information (Table E)
- Placement alternatives (Table F)
- Disabling conditions (Table G)
- Placement by age (Table I)
- Placement by disabling condition (Table J)

Meets Requirements

The steering committee concluded that through file reviews, surveys and state and district data that students receive services in the LRE with the supports they need.

Validation Results

Out of Compliance

ARSD 24:05:28:01. Least restrictive program to be provided. Children in need of special education or special education and related services shall be provided special programs and services to meet with individual needs which are coordinated with the regular educational program whenever appropriate. Removal from the regular educational classroom may occur only when the nature or severity of the child's needs is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

ARSD 24:05:28:02. Continuum of alternative placements. Alternative placements which must be made available include the following:

- (1) Regular educational programs with modification;
- (2) Resource rooms;
- (3) Self-contained programs;
- (4) Day school programs;
- (5) Residential school programs;
- (6) Home and hospital programs; and
- (7) Other settings.

ARSD 24:05:28:03. Factors in determining placements. Each school district shall establish and implement procedures which ensure that the following factors are addressed in determining placements:

- (1) Each child's educational placement must be individually determined at least annually and must be based on the child's individual education program;
- (2) Provisions are made for appropriate classroom or alternative settings necessary to implement a child's individual education program;
- (3) Unless a child's individual education plan requires some other arrangement, the child shall be educated in the school which that child would normally attend if not disabled. Other placement shall be as close as possible to the child's home;
- (4) Placement in the least restrictive environment will not produce a harmful effect on the child or reduce the quality of services which that child needs; and
- (5) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

For each of the programs listed in this section, the IEP team shall determine the extent to which related services are required in order for the child to benefit from the program. The length of the school day must be equal in duration to that of a regular public school day unless an adjusted school day is required to meet the individual needs of the child. The committee shall provide for supplementary services, such as resource room or itinerant instruction, to be provided in conjunction with regular class placement, as applicable.

ARSD 24:05:28:03. Factors in determining placements. Each school district shall establish and implement procedures which ensure that the following factors are addressed in determining placements:

- (1) Each child's educational placement must be individually determined at least annually and must be based on the child's individual education program;
- (2) Provisions are made for appropriate classroom or alternative settings necessary to implement a child's individual education program;
- (3) Unless a child's individual education plan requires some other arrangement, the child shall be educated in the school which that child would normally attend if not disabled. Other placement shall be as close as possible to the child's home;

(4) Placement in the least restrictive environment will not produce a harmful effect on the child or reduce the quality of services which that child needs; and

(5) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

The monitoring team concluded that the Webster School District is out of compliance in the area of least restrictive environment. The IEP team must consider the continuum of alternative placements after the development of the goals and short-term objectives. Students in need of special education or special education and related services shall be provided special programs and services to meet with individual needs, which are coordinated with the general educational program whenever appropriate. Removal from the regular educational classroom shall occur only when the nature or severity of the child's needs is such that education in general classes with the use of supplementary aids and services cannot be achieved satisfactorily. In student file reviews, the least restrictive environment justification for placement was left blank in 2 student's files. Another student's IEP stated that the student would come to the resource room for all quizzes, tests, and help with daily work. Another student's IEP stated in the Special Education to be provided section of the IEP that the student will receive special education services for reading/spelling daily in the resource room and can come into the resource room to have tests read to him/her in English, social studies and science. The Justification for Placement section of the IEP stated that the student will be in the general classroom with modifications and that he will come into the resource room. There was not an explanation why this was the best placement for the student. Two other files had documentation in the justification for placement that stated accept or reject with no reasons given.